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Law Office of

www.gadgetlaw.com

MARK C. JACOBS

Registered Patent Attorney

United States Patent and Trademark Office
Office of Finance
Receipts Accounting Division

RECEIVED

DEC 16 2010

OFFICE OF PETITIONS

ATTENTION: Dorethea Allen

Re: Unintentionally delayed payment of maintenance fees in an Expired Patent
Russell Stocker
Patent# 5,794,847

Dear Dorethea,

Thank you for your assistance in the above referenced matter. Please find enclosed the forms that you so kindly faxed to us completed and also the copies of all documents that were sent previous to our conversation.

Please note that the check we are submitting to the USPTO no is for the amount of \$1640.00 which is the petition fee for acceptance of the late payment of the 3rd sm all entity maintenance payment of \$2055.00, plus the \$65.00 surcharge for a total of \$2120.00, previously submitted.

If we are missing anything of the balance owing has changed, please advise us by phone or fax.

Thank you again for your help in this matter.

Cordially yours,



Mary "Dester" Martin, Assistant to Mark Jacobs

12/15/2010 DALLEN 00000001 5794847

01 FC:1599

1640.00 OP

RECEIVED**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE FOR EXPIRED PATENT (37 CFR 1.378(c))**

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)	DEC 16 2010
5,794,847	1988-08-18			1525	OFFICE OF PETITIONS

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

NOT Small Entity	Small Entity
<input type="radio"/> Fee 3 1/2 year (1551) <input type="radio"/> Fee 7 1/2 year (1552) <input type="radio"/> Fee 11 1/2 year (1553)	<input type="radio"/> Fee 3 1/2 year (2551) <input type="radio"/> Fee 7 1/2 year (2552) <input checked="" type="radio"/> Fee 11 1/2 year (2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition. — PREVIOUSLY SUBMITTED.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

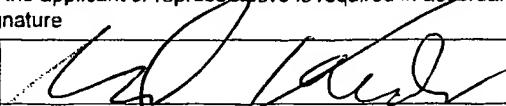
- An attorney or agent registered to practice before the Patent and Trademark Office
- A sole patentee
- A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- A joint patentee; all of whom are signing this e-petition
- The assignee of record of the entire interest

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature		Date (YYYY-MM-DD)	2010-12-08
Name	MARK C. JACOBS	Registration Number	24043
This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.			



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK C. JACOBS, ATTORNEY AT LAW
3033 EL CAMINO AVE.
SACRAMENTO, CA 95821

September 9, 2010

NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5794847

Payment Amount Received: \$ 2,120.00
Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 08/31/2010
(Mailroom Date Stamp)

PAYMENT STATUS:

Payment will be refunded electronically by EFT.

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DEC 16 2010

Your payment was not accepted for the following reason(s):

1. The maintenance fee for the above-identified patent was previously paid on _____. OFFICE OF PETITIONS
 Information regarding the previous payment is stated in item 8 below.

2. The patent expired on 08/18/2010. See "Patent Expiration" section below.

3. The fee was paid too early. Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.

4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$_____ is/was required.

5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.

6. The payment did not include corresponding patent and application numbers, and was not specially accepted.

7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)

8. Other: _____.

Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on _____ and ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Dorethea Allen (571) 272-6317
Printed Name of USPTO Representative

Dorthee Allen
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the www.uspto.gov website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM

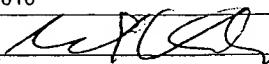
(Do not submit this form electronically via EFS-Web)

Address to:
 Director of the United States
 Patent and Trademark Office
 Attn: Maintenance Fee
 2051 Jamieson Avenue, Suite 300
 Alexandria, VA 22314

- OR -

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on August 26, 2010

Signature 

Typed or printed name Mark C. Jacobs, Esq.

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Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

OFFICE OF PETITIONS

1. A check for the amount of \$ 2120.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. Payment by credit card. Form PTO-2038 is enclosed.
3. The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
4. The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposite Account No. _____.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number Column 1	U.S. Application Number* [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	5,794,847	08738415	\$2055.00	\$65.00			X
2							
3							
4							
5							
Subtotals: Columns 3 & 4			\$2055.00	\$65.00			
Total Payment			\$2120.00		<input type="checkbox"/> additional sheets attached for listing additional patents.		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, **

Customer's Signature 

Customer's Name Mark C. Jacobs

Registration Number, if applicable: 24043

Telephone: 916-485-5000

Fax: 916-485-9901

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA, 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT
Russell Stocker 1525A

Client Name & Doc#: *Mr. Russell Stocker*
Title: *Adjustable Tension Dispensing Apparatus*
Applicant: *Russell Stocker*
Ser.# / Pat #: *5,794,847* Filing Date: *8/18/98*

Please acknowledge receipt of:

Application having _____ pages of specification and claims, and _____ sheets of drawings, FIGS.
 Declaration/Oath
 Power of Attorney
 Small Entity Statement
 Check # _____
 Patent Assignment/Cover Sheet
 Assignment
 Check # _____
 Letter
 Information Disclosure Statement
 Form PTO-1449 & Refer.
 Certification
 Petition
 Check # *S. Latet NO*
 Mailed

Amendment
 Request for Priority and Pn. Doc.
 C/P Reply to Office Action
 Request for Ext. of Time
 Check # *18320*
 Amendment After Final Rejection
 Request for Ext. of Time
 Check # *18320*
 Corrected Drawings
 Issue Fee Transmittal
 Check # *18320*
 Other _____
 Maintenance Fee Transmittal Form
 Check # *18320*
 Cert. of Mailing
 By *M. M. S.*

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MARK C. JACOBS
ATTORNEY AT LAW
(916) 485-5000
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SACRAMENTO, CA 95821

1832

90-78-1211

2011 Aug 26, 2010
\$2120.00

2011 Aug 26, 2010

BANK OF THE WEST

1515
2nd and
Main + Subj

MP